

Superseded 5/10/2016

77-32-306 County or municipal legislative body to provide legal defense.

- (1) The county or municipal legislative body shall either:
 - (a) contract with a defense services provider; or
 - (b) authorize the court to provide the services prescribed by this chapter by assigning a qualified attorney in each case.
- (2) A county may create a county legal defender's office to provide for the legal defense as prescribed by this chapter.
- (3) A county legal defender's office may, through the county legislative body contract with other counties and municipalities within a judicial district to provide the legal services as prescribed.
- (4) Counties and municipalities are encouraged to enter into interlocal cooperation agreements pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, for the provision of legal defense, including multiple counties and municipalities contracting with either a private defense services provider or with a legal defender's office. An interlocal agreement may provide for:
 - (a) the creation of or contract with a private defense services provider, as defined in Subsection 77-32-201(4);
 - (b) multiple counties or municipalities to contract with a county legal defender's office, as defined in Subsection 77-32-201(7); or
 - (c) the creation of an interlocal entity under the provisions of Section 11-13-203.
- (5) When a county or municipality has contracted under Subsection (1)(a) or a county has created a legal defender's office as provided under Subsection (2) to provide the legal defense resources required by this chapter, the legal services provider is the exclusive source from which the legal defense may be provided, unless the court finds a compelling reason for the appointment of noncontracting attorneys and defense resources, under the provisions of Section 77-32-302 or 77-32-303, in which case the judge shall state the compelling reason and the findings of the hearing held under Subsections 77-32-303(2) and (3) on the record.
- (6) A county or municipality may, by ordinance, provide for some other means which are constitutionally adequate for legal defense of indigents.